

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO.836 OF 2003

Municipal Corporation of the
City of Pune .. Petitioners

Vs.

M/s.Asaram Mulchand Chandak .. Respondents

Mr.R.G.Ketkar for the petitioners

Mr.N.P.Deshpande for the respondents

CORAM : S.U.KAMDAR, J
DATED : 29TH NOVEMBER, 2005

P.C.:

. By consent of the parties the impugned order dt.14.12.01 is set aside. Matter is remanded back to the Third Additional District Judge, Pune to reconsider the fixation of rateable value. In the meantime, the learned counsel for the respondent states that for the area in possession of his client respondent shall pay the property tax on the basis of rateable value fixed @ Rs.10000/- per annum. The aforesaid arrangement to continue till the disposal of the said appeal before the Small Causes Court, Pune. However, it is made

clear that the amount deposited will be adjusted against the fresh rateable value fixed by the Small Causes Court, at Pune. The learned counsel for the respondent undertakes to pay additional amount if so determined by the concerned Small Causes Court. It goes without saying that the Small Causes Court at Pune will reconsider the fixation of rateable value afresh on its own merits and on the basis of evidence laid before him without being influenced by any orders passed by the Small Causes Court or the orders passed by this court. Small Causes Court, Pune is directed to complete the hearing of the matter and re-fix the fresh rateable value by 31.3.06. Petition disposed of accordingly. No order as to costs.